

Article 6. Use Regulations

6.1 Purpose

The intent of this Article is to provide for patterns of land use consistent with the Comprehensive Plan, and to encourage the arrangement of land uses so as to minimize conflicts among various types of land use activities while recognizing the City's need for such activities.

6.2 Types of Use

- A.** Uses of land or structures which are not expressly listed in the Use Table as permitted uses (P), permitted uses subject to specific use standards (P*), or conditional uses (C) in a zoning district or planned development are prohibited uses and shall not be established in that district or planned development.
- B.** The Administrator shall determine whether or not an unlisted use, that is otherwise prohibited, as stated above should be processed. In doing so, the Administrator shall utilize purpose statements adopted herein in conjunction with the applicable zoning district, and consideration of the following criteria:
 - 1.** The actual or anticipated characteristics of the activity in relationship to known characteristics of similar projects in standard planning practice;
 - 2.** The relative amount of site area, floor space, and equipment;
 - 3.** Relative volumes of sales from each activity;
 - 4.** The customer type for each activity;
 - 5.** The relative number of employees in each activity;
 - 6.** Hours of operation;
 - 7.** Building and site arrangement;
 - 8.** Vehicles used with the activity and the relative number of vehicle trips generated by the use; and
 - 9.** How the use advertises itself.

C. Use Table

Except as otherwise specifically provided herein, regulations governing the use of land and structures with the various zoning districts and classifications of planned developments are hereby established as shown in the following Use Table.

1. Permitted Uses

A "P" indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable regulations of this UDO.

2. Permitted Uses Subject to Specific Standards

A "P*" indicates a use that will be permitted, provided that the use meets the provisions in Section 6.3, Specific Use Standards. Such uses are also subject to all other applicable regulations of this UDO.

3. Conditional Uses

A "C" indicates a use that is allowed only where a conditional use permit is approved by the City Council. The Council may require that the use meet the additional standards enumerated in Section 6.2, Specific Use Standards. Conditional uses are subject to all other applicable regulations of this UDO.

USE TABLE		Residential Districts										Non-Residential Districts												
Specific Uses		A-O	A-OR	R-1	R-1B	R-2**	R-3**	R-4**	R-6**	R-7**	P-MUD**	A-P	C-1	C-2	C-3**	R & D**	M-1	M-2	C-U	WPC**	NG-1**	NG-2**	NG-3**	
KEY: P = Permitted by Right ; P* = Permitted Subject to Specific Use Standards; C = Conditional Use																								
RESIDENTIAL																								
Boarding & Rooming House								P	P		P													P
Extended Care Facility / Convalescent/Nursing Home								P	P		P		P	P						P				
Dormitory								P	P		P										P	P	P	
Duplex					P			P	P		P													
Fraternity/Sorority								P	P												P	P	P	
Manufactured Home	P*	P*								P*														
Multi-Family								P	P		P									C ¹	P	P	P	
Multi-Family built prior to January 2002								P	P											P	P	P	P	
Single-Family Detached	P	P	P	P	P	P					P													
Townhouse							P	P	P		P													P
PUBLIC, CIVIC AND INSTITUTIONAL																								
Educational Facility, College & University																			P					
Educational Facility, Indoor Instruction											P	P	P	P	P					P	P	P	P	
Educational Facility, Outdoor Instruction	P	C									P		P	P										
Educational Facility, Primary & Secondary			P	P	P	P	P	P	P		P	P	P	P	P									
Educational Facility, Tutoring											P	P	P	P						P	P	P	P	
Educational Facility, Vocational/Trade											P	P	P	P			P	P						
Governmental Facilities	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P	P	P	P	P	P	P	P	P	P	P	P*
Health Care, Hospitals													P	P										
Health Care, Medical Clinics												P	P	P	P						P	P		
Parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	
Places of Worship	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P	P	P	P	P	P	P	P	P	P	P	
COMMERCIAL, OFFICE AND RETAIL																								
Agricultural Use, Barn or Stable for Private Stock	P	P																						
Agricultural Use, Farm or Pasturage	P	P																						
Agricultural Use, Farm Product Processing	P																							

¹ Multi-family residential uses located in stories or floors above retail commercial uses are permitted by right.

** District with Supplemental Standards (Refer to Article 5).

USE TABLE	Residential Districts										Non-Residential Districts											
Specific Uses	A-O	A-OR	R-1	R-1B	R-2**	R-3**	R-4**	R-6**	R-7**	P-MUD**	A-P	C-1	C-2	C-3**	R & D**	M-1	M-2	C-U	WPC**	NG-1**	NG-2**	NG-3**
KEY: P = Permitted by Right ; P* = Permitted Subject to Specific Use Standards; C = Conditional Use																						
COMMERCIAL, OFFICE AND RETAIL (continued)																						
Animal Care Facility, Indoor										P	P	P	P	P					P	P	P	
Animal Care Facility, Outdoor	P*												P									
Art Studio/Gallery										P	P	P		P					P	P	P	P
Car Wash												P*										
Commercial Garden/Greenhouse/Landscape Maintenance	P*											P*	P*				P*					
Commercial Amusements										P		P*	P*						P	P	P	
Conference/Convention Center										P		P	P						P	P	P	
Country Club	P	P	P	P						P		P	P									
Day Care, Commercial							C	C	C		P	P		P						P	P	P
Drive-in/thru window												P							C		P	
Dry Cleaners & Laundry										P*	P*	P	P	P*					P*	P*	P*	P*
Fraternal Lodge										P		P	P							P	P	P
Fuel Sales										P*		P*		P*			P				P*	
Funeral Homes												P	P				P					
Golf Course or Driving Range	P									P		P	P									
Health Club/Sports Facility, Indoor										P		P		P					P	P	P	P
Health Club/Sports Facility, Outdoor										P		P							P		P	
Hotels										P		P							P	P	P	
Night Club, Bar or Tavern										C		C							P	C	C	
Offices										P	P	P	P	P	P	P	P		P	P	P	P
Parking as a Primary Use										P	C	P	P						P		C	
Personal Service Shop										P	P	P		P					P	P	P	P
Printing/Copy Shop										P	P	P	P	P					P	P	P	
Radio / TV station/studios										P	P	P	P	P		P	P				P	
Restaurants										P		P		P*					P	P	P	P*

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Specific Uses		A-O	A-OR	R-1	R-1B	R-2**	R-3**	R-4**	R-6**	R-7**	P-MUD**	A-P	C-1	C-2	C-3**	R & D**	M-1	M-2	C-U	WPC**	NG-1**	NG-2**	NG-3**
KEY: P = Permitted by Right ; P* = Permitted Subject to Specific Use Standards; C = Conditional Use																							
COMMERCIAL, OFFICE AND RETAIL (continued)																							
Retail Sales - Single Tenant over 50,000 SF													P									P	
Retail Sales and Service											P		P		P					P	P	P	P
Sexually Oriented Business (SOB)														P*				P*					
Shooting Range, Indoor											P		P	P						P			
Theater											P		P							P	P	P	C
Retail Sales, Manufactured Homes																		P*					
Storage, Self Service													P	P				P					
Vehicular Sales, Rental, Repair and Service													P*	P*				P*					
Wholesales/Services														P			P	P					
INDUSTRIAL AND MANUFACTURING																							
Bulk Storage Tanks / Cold Storage Plant														P				P					
Industrial, Light														P		P	P	P					
Industrial, Heavy																		P					
Recycling Facility – Large														P*				P					
Salvage Yard																		P*					
Scientific Testing/Research Laboratory														P		P	P						
Storage, Outdoor - Equipment or Materials														P			P	P					
Truck Stop/Freight or Trucking Terminal																		P					
Utility	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Warehousing/Distribution														P			P	P					
Waste Services																		P					
Wireless Telecommunication Facilities – Intermediate	P*										P*	P*	P*	P*	P*	P*	P*	P*		P*	P*	P*	P*
Wireless Telecommunication Facilities – Major	C											C	C	C	C	C	C	P*					
Wireless Telecommunication Facilities – Unregulated	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					

¹ Multi-family residential uses located in stories or floors above retail commercial uses are permitted by right.

** District with Supplemental Standards (Refer to Article 5).

6.3 Specific Use Standards

The following specific use standards shall apply to those uses listed below and identified in the Use Table in Section 6.2, Types of Use, with a "P*." A site plan review, as required by Section 3.5, Site Plan Review, is required for all specific uses identified herein. For the purposes of this section, buffers shall comply with Section 7.6, Buffer Requirements unless specified herein. For the purposes of this section, residential areas or uses shall mean existing developed or developing (platted) residential uses including single-family and multi-family housing, townhomes, and duplexes.

A. Animal Care Facilities

Any animal care facilities with defined outdoor uses and/or facilities shall be located a minimum of 500 feet from existing or developing residential areas; and facilities with outdoor facilities for large animals shall be permitted in A-O, Agricultural Open, only.

B. Car Wash

Vacuums shall be located a minimum of 100 feet from any adjacent residential use.

C. Commercial Amusements

All outdoor activity must be located a minimum of 300 feet from an existing residential use.

D. Commercial Garden/Greenhouse/Landscape Maintenance

Outdoor storage and display of unpackaged or bulk materials, including but not limited to topsoil, manure, and aggregate materials, shall be screened and located at least 50 feet from all property lines and not closer than 150 feet from an existing residential use.

E. Dry Cleaners/Laundry

All activity must be wholly contained within a building not to exceed 3,000 square feet in size.

F. Fuel Sales

1. Any vehicle repair uses must comply with Section 6.3.P, Vehicular Sales, Rental, Repair and Service.
2. All activities except those associated with fuel pumping must be conducted within an enclosed building.
3. Ice and vending machines must be enclosed in a building.
4. No signage, in addition to the signage allowed in Section 7.4, Signs, may be allowed within view of the right-of-way.
5. No outside storage or display of vehicles for any purpose.
6. A drive-thru car wash designed to accommodate one vehicle shall be permitted as an accessory use.
7. In C-3, Light Commercial fuels sales shall be limited to facilities designed to accommodate a maximum of four vehicles obtaining fuel simultaneously.

8. Minimum setback requirements shall be as follows:

	Front	Side	Rear	Side Street
Fuel pumps	50 feet	25 feet	25 feet	25 feet
Canopies	40 feet	15 feet	15 feet	15 feet

9. Storage tanks must be located below grade.

G. Government Facilities and Utilities

Activities not wholly contained within a building shall not be located within 100 feet of a single-family residential use unless buffered by a 25 foot buffer yard and a six-foot privacy fence, in accordance with Section 7.6, Buffer Requirements.

H. Manufactured Homes

1. The placement of an individual manufactured home where permitted or the replacement of an existing manufactured home shall be subject to obtaining a Location Permit issued by the Building Official and Administrator. The application for such a permit shall be accompanied by a location plan including the following information:
 - a. Location plan showing the dimension of the site, required setback lines, the placement of the manufactured home, the designated parking, and any existing structures on the same or adjoining lots;
 - b. A signed and dated application, requesting permission to locate the structure on the lot;
 - c. A legal description of the location of the property within the City; and
 - d. An indication of the proposed delivery route to the designated site. Delivery routes shall not include residential streets, unless the designated site has sole frontage on the affected residential street.
2. All manufactured homes shall be skirted with brick, vinyl, or other solid skirting materials within four months of occupancy of the lot.
3. All trailer hitches and other devices designed to aid in the transport of the manufactured homes must be removed within four months of occupancy of the lot.

I. Mobile Home

A mobile home, after the effective date of this UDO, may not be located within the corporate limits of College Station for residential dwelling. A mobile home legally located within the corporate limits of College Station may continue to be used as a residential dwelling, but shall not be relocated or enlarged. A mobile home may be replaced by a manufactured home.

J. Retail Sales, Manufactured Homes

Manufactured homes undergoing repair and remaining on site in excess of 48 hours shall be screened from public view in an enclosed area.

K. Recycling Facilities

1. Any facility located within 500 feet of property zoned or developed for residential use shall not be in operation between 7:00 p.m. and 7:00 a.m.

2. Light processing, including compacting, baling, and shredding, must be directly related to efficient temporary storage and shipment of materials. No facility as described in this subsection shall abut property zoned or developed for single-family residential use.
3. A minimum of six parking spaces shall be provided, plus one space per employee and for each vehicle of the facility.
4. Each container shall be clearly marked to specify materials that are accepted. The name and telephone number of the operator and the hours of operations shall be conspicuously displayed. All sign regulations of the district in which the facility is located shall apply.
5. Each facility shall be screened from the public right-of-way by operating in an enclosed building with no outside storage or by operating within an area enclosed by an opaque fence at least eight feet in height.

L. Restaurant

1. The maximum size shall be 2,500 square feet.
2. Drive-ins and drive-thrus are prohibited.

M. Salvage Yard

1. Salvage or junkyards shall be visually screened on front, rear, and all sides by means of a solid eight-foot high wooden privacy fence.
2. Material that is not salvageable shall not be permitted to accumulate. In no case shall material that is not salvageable be buried or used as fill.
3. In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having an interior storage capacity of one and one-half cubic feet or more, from which the door has not been removed.

N. Sexually-Oriented Business

1. General

These requirements apply to all sexually-oriented businesses as defined in this UDO.

A business is not exempt from regulation under this UDO because it holds a license or permit under the Alcoholic Beverage Code authorizing the sale or service of alcoholic beverages or because it contains one or more coin-operated machines that are subject to regulation or taxation, or both under State law.

2. Single Adult Use Per Location

There shall only be one sexually-oriented business permitted on a single premise.

3. Measurement

a. Stock in Trade

Stock in trade shall be the number of items in stock in the sales and display area at the time of a site inspection. The number of sexually-oriented items shall be calculated as a percentage of total items.

b. Sales and Display Area

- (1) The sales and display area shall be the entire interior floor space of a business establishment devoted to sales and display, including aisles, measured in square feet at the time of a site inspection. The floor space devoted to sales and display of sexually-oriented materials shall be calculated as a percentage of total sales and display area.
- (2) Where sexually-oriented materials are physically separated from other materials by an eight-foot wall, the separate sales and display area (including any aisles) shall be compared to the total sales and display floor area.
- (3) Where floor area includes a mixture of sexually-oriented material with any other material, it shall be counted as sexually oriented. Any such area shall include one-half of the area of any aisles adjacent to the display or sales of sexually-oriented materials.

4. Specific Standards

a. Adult Cabaret or Adult Retail Store

Any performance area shall be elevated at least 24 inches above the level of the patron seating areas and shall be separated by a distance of at least six feet from all areas of the premises to which patrons have access. A continuous railing at least three feet in height, securely attached to the floor, and located at least six feet from all points of the live performance area shall separate performance areas and patron areas.

b. Adult Arcade, Adult Movie Theater

- (1) All aisles shall have theater runway and aisle lighting which illuminates the entire floor surface of the aisle at a level of not less than 0.2 foot-candles.
- (2) All theater viewing areas, projection rooms, and viewing booths or rooms shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination so that any patron may be observed from a manager's or employee's station.
- (3) The interior of an adult arcade, and/or adult viewing booth or room, shall be configured in such a way that there is an unobstructed view from a manager's or employee's station of every interior area of the adult arcade and/or viewing booth or room.
- (4) All ventilation devices in or between adult viewing booths, viewing stations and rooms must be covered by a permanently affixed ventilation cover or grill. Ventilation holes, portals or airways may only be located one foot from the top of the station, room or booth walls or one foot from the bottom of the station, room or booth walls. There may not be any other holes or openings in the station, room or booth walls or between stations, rooms or booths.

c. Limited Adult Retail Store

The store shall separate all sexually-oriented material from other sales and display areas using an opaque wall at least eight feet in height. Such an area shall incorporate a management-controlled system of access to ensure that only persons over the age of 18 years are allowed to enter.

5. Lighting

Any sexually-oriented business shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access so that any patron may be observed from a manager's or employee's station.

6. Prohibited Locations

No sexually-oriented business may be located on any lot with frontage upon Texas Avenue (State Highway 6-Business), Earl Rudder Freeway (State Highway 6), Raymond Stotzer Parkway (FM 60), University Drive (FM 60) or Harvey Road (State Highway 30). Furthermore, no sexually-oriented business may be located upon any lot located within 500 feet of the rights-of-way of the thoroughfares named above.

7. Separation Requirements

a. Measurement

The following separation requirements shall be measured from the lot line of a sexually-oriented business to the lot line of any protected use listed below or other sexually-oriented business in a straight line without regard to intervening structures or objects. Where a multi-tenant facility such as a shopping center is involved, measurement shall occur from the boundary of the leasehold interest instead of the property line.

b. Protected Uses

For the purpose of measuring separation from sexually-oriented businesses, "protected uses" shall include the following:

- (1) Public or private elementary or secondary schools;
- (2) Public parks and playgrounds;
- (3) Public or private community centers;
- (4) Public or private colleges or universities;
- (5) Indoor or outdoor stadiums;
- (6) Religious institutions;
- (7) Hospitals;
- (8) Public Libraries;
- (9) Chartered museums; and
- (10) Cultural entertainment facilities.

c. Distance Requirements

The following distance separation requirements shall be observed.

Sexually-Oriented Business	Any Protected Use	Any Residential District	Other Type 1 Adult Use	Other Type 2 Adult Use
Type 1: Limited Adult Retail Store, Escort Agency	N/A	N/A	N/A	N/A
Type 2: All other Sexually-Oriented Businesses	1,000 feet	500 feet	N/A	1,000 feet

d. Specific Nonconforming Use Provisions

A sexually-oriented business lawfully operating in conformance with this UDO shall not be rendered a nonconforming use by the location, subsequent to its lawful establishment, of a protected use listed in paragraph b above in violation of the distance requirements in paragraph c, above.

8. Amortization

A sexually-oriented business in operation prior to the effective date of this UDO which does not conform to the regulations listed above shall be considered to be nonconforming. The nonconforming sexually-oriented business shall be permitted to continue for one year after the effective date of this ordinance unless voluntarily discontinued for a period of 30 days or more. One year after the effective date of this UDO the nonconforming sexually-oriented business shall be illegal and shall terminate, except as provided herein.

a. Additional Time for Amortization

In the event an owner of a nonconforming sexually-oriented business is unable to recoup his investment in his sexually-oriented business by the date for the termination of such uses, the owner may request additional time by making application with the Administrator no later than the date for termination of the use.

b. Application for Additional Time

The owner shall file, with his request for additional time, all data he wishes considered in support of the request. The owner shall also supply all materials requested by the Administrator, City Attorney, or City Council to determine if the investment has been recouped.

c. Determination by the City Council

Upon application by the owner, the City Council may, at its discretion, allow additional time to amortize the investment in a sexually-oriented business if it makes the following findings:

- (1) The owner has made every effort to recoup his investment in the sexually-oriented business;
- (2) The owner will be unable to recoup his investment in a sexually-oriented business by the end of the amortization period; and
- (3) That all applicable provisions of this UDO will be observed.

If the City Council grants additional time, the grant shall be for a period not to exceed one year.

d. Exemption from Amortization Requirements

Any owner of a sexually-oriented business wishing to claim an exemption from the amortization requirements of this UDO may apply for an exemption. The City must receive such application no less than sixty days prior to the expiration of the amortization period.

The City Council may grant an exemption if it makes the following findings:

- (1) That the location of the sexually-oriented business will not have a detrimental effect on nearby properties or be contrary to the public health, safety or welfare;
- (2) That the granting of the exemption will not violate the spirit and intent of this UDO;
- (3) That the location of the sexually-oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight;
- (4) That the location of the sexually-oriented business will not be contrary to any program of neighborhood conservation nor will it interfere with any efforts of urban renewal or restoration; and
- (5) That all other applicable provisions of this UDO will be observed.

If an exemption is granted, such exemption shall be valid for a period of one year from the date of the City Council action. Upon expiration of an exemption, a sexually-oriented business shall be in violation of this UDO, shall be illegal, and shall terminate, unless the owner receives another exemption. Additional applications for exemptions shall be submitted at least sixty days prior to the expiration of the exemption period.

The granting of an exemption does not alleviate the owner of a sexually-oriented business from adhering to all other applicable provisions of this UDO.

O. Utilities

Activities not wholly contained within a building that abuts single-family residential uses shall construct a 20-foot buffer yard with a 6-foot privacy fence, in accordance with Section 7.6, Buffer Requirements.

P. Vehicular Sales, Rental, Repair and Service

1. Vehicles undergoing repair, painting, or body work which will remain on site in excess of 48 hours shall be screened from public view or stored indoors.
2. Inoperable vehicles shall not be allowed to remain on site for more than 30 days.
3. All parts, including automobile body parts, shall be stored within an area which is completely screened from public view.

Q. Wireless Telecommunication Facility (WTF)

1. Purpose

The purpose of this section is to establish regulations pertaining to wireless telecommunications facilities that are consistent with federal and state law. The City Council of the City of College Station finds that:

- a.** It is in the public interest to promote competition in high quality telecommunications services and the availability of broadband transmission services to all residences and business;
- b.** It is in the public interest for the City to protect the public safety and welfare, safeguard community land values, promote orderly planning and development and preserve historic sites, structures and areas. Wireless telecommunications facilities should not be allowed to detract aesthetically from the visual quality of surrounding properties or the City; and
- c.** The proliferation of wireless telecommunications facilities negatively impacts the appearance, character, and property values of the community. Therefore the City should endeavor to minimize the size, number and obtrusiveness of antennas and towers. Collocation and stealth technologies are strongly encouraged to mitigate negative visual impacts and reduce the total number of towers within the City.

2. WTF Categories

In order to expedite the siting and review process, WTFs have been divided into use categories. The review process is more thorough as the intensity of the use increases.

a. Unregulated Facilities

The WTFs listed below are not regulated by this ordinance and do not require review or approval. This does not exempt these facilities from other applicable city codes, ordinances, and permits.

- (1)** Over the air reception devices exempted from local ordinances by the Federal Communications Commission (FCC).
- (2)** Parabolic antenna less than 2 meters in diameter.
- (3)** Omni-directional antenna (whip antenna) 6 inches or less in diameter and not extending more than 12 feet above support structure.
- (4)** Directional antenna 1 meter or less measured across the longest dimension and not extending over 12 feet above support structure.
- (5)** Public safety tower or antenna.

b. Intermediate Facilities

- (1)** New transmission tower less than 35 feet (10.5 meters) in height.
- (2)** Parabolic antenna over 2 meters in diameter.
- (3)** Omni-directional antenna (whip antenna) greater than 6 inches in diameter and/or extending 12 feet above the support structure.
- (4)** Directional antenna more than 1 meter measured across the longest dimension and extending over 12 feet above support structure.

- (5) Attached WTFs.

c. Major Facilities

New transmission tower greater than 35 feet (10.5 meters) in height.

3. Permittable Locations

- a. All Intermediate WTFs are permitted by right in the following zoning districts:

A-O	M-1	C-1	M-2	C-B
A-P	R&D	C-2	PDD (except PDD-H)	
WPC	NG	C-3	City-owned premises	

- b. Major WTFs are allowed in the following zoning districts with a Conditional Use Permit

M-2	M-1	C-1	C-3
A-P	R&D	C-2	City-owned premises

- c. WTFs may locate on city-owned premises without a conditional use permit with approval of the City Council and subject to the requirements of this ordinance.

4. Requirements For New Transmission Towers

- a. **Setbacks:** The standard setbacks for each zoning district will apply to WTFs with additional setbacks or separation being required in the sections below. To protect citizens in their homes, transmission towers shall be placed a distance equal to the height of the tower away from any residential structure or R-1, R-1B, or R-2 zone boundary.

- b. **Proximity To Major Thoroughfares:** To preserve and protect the appearance of the City's major thoroughfares and entrances to the City, additional setbacks are placed on WTFs proposed to be placed near these areas. The setback for these areas is determined by measuring from the centerline of the right-of-way of the thoroughfare. Applicable thoroughfares include freeways and expressways, major arterials and minor arterials, as shown on the Thoroughfare Plan.

- (1) Intermediate WTFs must be 150 feet from applicable thoroughfares.
- (2) Major WTFs must setback from applicable thoroughfares by the height of the tower x 3.

c. Separation Between Towers

In order to prevent tower proliferation and protect the City's natural beauty and skyline, the number of transmission towers per square mile has been limited. New transmission towers must be placed a minimum distance from existing towers as described here:

- (1) New transmission towers 35 feet or less in height shall be separated from existing towers by a minimum distance of 1500 feet.
- (2) New transmission towers more than 35 feet and less than 75 feet in height shall be separated from existing towers by a minimum distance of 2500 feet.
- (3) New transmission towers 75 feet or more in height shall be separated from existing towers by a minimum distance of 3500 feet.

d. Height Limitations

- (1) Intermediate WTFs are subject to the normal height restrictions for each zoning district where permitted by right. In any zoning district where a tower is a conditional use, the requested height may be reduced through the review of the visual impact analysis.
- (2) In no case shall a proposed transmission tower exceed 150 feet within the city limits, except where a height variance is granted by the Zoning Board of Adjustments to allow a tower or antenna that demonstrates a hardship that can only be remedied by locating a tower or antenna exceeding such height on a proposed site within the city limits.

e. Stealth Towers

Any tower determined to meet the Stealth Tower definition of this ordinance by the approving authority may be located in any zoning district with a Conditional Use Permit. Approved Stealth Towers do not have to meet the tower separation or thoroughfare setback requirements of this section.

5. Landscaping, Screening, And Aesthetic Standards

The following requirements shall govern any transmission tower or any parabolic antenna larger than 2 meters.

- a. Landscaping: Refer to Section 7.5, Landscaping and Tree Protection. Plant materials and/or fencing that effectively screens the WTF site from view of the public right-of-way will be required.
- b. New transmission towers shall maintain a flat (not shiny, reflective, or glossy) finish or be painted in accordance with any applicable standards of the FAA (unfinished galvanized steel is not acceptable).
- c. If an antenna is installed on a support structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- d. WTFs shall not be artificially lighted with the exception of motion detectors as security lighting, unless required by the FAA or other applicable authority. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding properties.
- e. Towers may not be used to exhibit any signage or other advertising.

6. Attached WTFs

WTFs may attach to the exterior of any non-residential and non-historic building within any zoning district provided the antenna and antenna support structure or equipment are mounted flush with the vertical exterior of the building or projects no more than 24 inches from the surface of the building to which it is attached and does not raise the height of the building more than 10 feet and does not violate the maximum height restriction of that zoning district. The attached WTF must be colored so as to blend with the surrounding surface of the building.

7. Stealth Antennas

Any antenna meeting the stealth antenna definition of this ordinance and locating on an alternative mounting structure may attach to the exterior of any non-residential building within any zoning district with approval of the zoning official.

8. Application Procedures

a. Site Plan Requirements

An application for administrative approval or a Conditional Use Permit for a WTF shall include the following items (in addition to the site plan and other information required for a standard CUP application):

- b.** An inventory of the applicant's existing and future towers that are either within the City, the City's ETJ, or within at least 1 mile of the City's boundary where the ETJ does not extend that far. The inventory shall include specific information about the location, design, and height of each tower. The owner must have on file with the development department a master list of all existing tower structures owned or controlled by the owner. Such list must specify the name, address and telephone number of the owner of record, the tower locations by address and legal description, tower height, the number of antenna arrays on the tower, and the names, addresses, and telephone numbers of all other users of the tower structures. The zoning administrator may share such information with other applicants or organizations seeking to locate antennas within the City.
- c.** Site plan drawn to scale clearly indicating the location, height, and design of the proposed tower, equipment cabinets, transmission buildings and other accessory uses, access, parking, fences, and landscaped areas.
- d.** The linear separation distance from other transmission towers within a one-mile radius of the proposed tower site. The linear separation distance from all residentially-zoned properties, residential structures and applicable thoroughfares as outlined in Section 6.3.Q.4.b, Proximity to Major Thoroughfares, within 500 feet of the proposed tower.
- e.** A visual impact analysis, presented as color photo simulations, showing the proposed site of the WTF. At least four views shall be submitted looking toward the site (typically north, south, east and west) including views from the closest residential property and from adjacent roadways. The photo-realistic representation shall depict a "skyline" view showing the entire height of the proposed tower or WTF to scale, and the structures, trees, and any other objects contributing to the skyline profile.
- f.** Plans for the antenna and the antenna tower shall be prepared and signed by a licensed professional engineer and designed to withstand sustained winds of at least 80 miles per hour.
- g.** All telecommunication facilities must meet or exceed the current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate telecommunication facilities. An applicant for a permit shall submit an affidavit confirming compliance with applicable regulations.

- h. Grid plan (propagation map) of the service area for existing and future structures for a period of not less than 5 years. The submission should include a map showing the "search ring" that was required for siting the proposed facility.

9. Collocation Requirements

No new tower shall be built, constructed, or erected in the City unless the tower is capable of supporting additional wireless telecommunication facilities. The applicant must submit a letter addressed to the City declaring an intent and willingness to construct a proposed tower that would allow additional service providers to locate on the new tower.

10. Documentation of Need and Alternatives

No new communications tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the approving authority that no existing tower, building, structure, or alternative technology can accommodate the applicant's proposed antenna. The applicant shall submit information related to the availability of suitable existing towers, other structures or alternative technology that can accommodate the applicant's proposed antenna. The zoning official or approving authority may request information necessary to demonstrate that reasonable alternatives do not exist. The applicant must submit:

- a. The names, addresses, and telephone numbers of all owners of other towers or usable antenna support structures within a one-half mile radius of the proposed new tower site, including City-owned property.
- b. A sworn affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to obtain permission to install or collocate the new facility on existing towers or antenna support structures located within one-half mile radius of the proposed tower site. The affidavit shall spell out the efforts taken by the applicant.
- c. A description of the design plan proposed by the applicant to the City. The applicant must demonstrate the need for towers and why technological design alternatives, such as the use of microcell, cannot be utilized to accomplish the provision of the applicant's telecommunications services.

11. Conditional Use Permits

Major WTFs must apply for a conditional use permit (CUP) as outlined in Section 6.3.Q.3, Permittable Locations, under the procedures set forth in Section 3.13, Conditional Use Permit. In addition to the standard guidelines, the following additional factors shall be considered by the Planning & Zoning Commission when determining whether to grant a CUP for WTFs:

- a. Height of the proposed tower, surrounding topography and surrounding tree coverage and foliage as they relate to:
 - (1) Skyline impact, examining whether the proportions of the structure appears to dominate or blend in with the surrounding environment.
 - (2) Shadow impact, whether or not the proposed tower will cast shadows that would prevent the reasonable use or enjoyment of surrounding properties.

- b. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- c. Proximity of the tower to residential structures and residential district boundaries.
- d. Economic impact on adjacent and nearby properties.
- e. Proposed ingress and egress.
- f. Availability of suitable alternatives and/or existing support structures.
- g. All the information submitted as part of the site plan.

12. Abandonment

Any WTF that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such facility shall remove same within 60 days of receipt of notice from the City notifying owner of such abandonment. If such facility is not removed within said 60 days, the City may remove such facility at the property owner's expense. If there are two or more users of a single WTF, then this provision shall not become effective until all users cease operations on the tower.

R. Places of Worship

- 1. Where the parking lot abuts residential development, a 10-foot buffer yard with a minimum 6-foot privacy fence is required pursuant to Section 7.6, Buffer Requirements.
- 2. When outdoor accessory uses including, but not limited to, playgrounds, recreational areas, and special event areas abut residential uses, a minimum 15-foot buffer yard and a 6-foot privacy fence is required pursuant to Section 7.6, Buffer Requirements.
- 3. A low profile sign as defined in Section 7.4.F, Sign Standards, is permitted.

6.4 Accessory Uses

A. Accessory Uses

Accessory uses are allowed with permitted, established primary structures and uses subject to the following:

- 1. The use or structure is subordinate to and serves a primary use or principal structure;
- 2. The accessory use shall be subordinate in area, extent, and purpose to the primary use served;
- 3. The accessory use shall contribute to the comfort, convenience, or necessity of occupants of the primary use served;
- 4. The accessory use shall be located within the same zoning district as the primary use is permitted; and
- 5. Accessory uses located in residential districts shall not be used for commercial purposes other than permitted home occupations.

B. Accessory Structures

- 1. No accessory structure shall be erected in any required setback area. Excluded from this requirement is any portable storage building or structure if the Building Official has determined that it does not require a Building Permit.

2. On lots with approved rear access all setbacks shall be measured from the nearest boundary of the access easement or alley. On all other lots rear setbacks shall be measured from the rear property line. In no event shall more than 30 percent of the rear yard area (that portion of the yard between the rear setback line of the principal structure and the rear property line) be covered with accessory buildings, structures, or uses.
3. The following restrictions shall apply to accessory buildings, structures, or uses other than garages, carports, and living quarters for family or servants:
 - a. A minimum rear setback of 15 feet; and,
 - b. A maximum building eave height of eight feet.

4. Garage and Carports

Garages and carports in residential zoning districts, including those of a temporary nature, shall have a minimum rear setback of 20 feet. A minimum side yard setback of 20 feet shall also be applied when garages and carports, including those of a temporary nature, gain access from a side street. All other setbacks shall be applied as required in the district in which the structure is located. The following restrictions shall apply to garages and carports:

- a. A minimum rear setback of 20 feet; and,
- b. A minimum side street setback of 20 feet is required for garages or carports that face onto side streets.

5. Living Quarters

Accessory apartments may not be rented to persons other than bona fide servants employed on the premises and members of the family of the occupant(s) of the principal structure.

- a. Single meter service shall be provided to each buildable parcel.
- b. The accessory use shall be subordinate to and serve a primary use or principal structure.
- c. In combination, all accessory uses shall contain no more square footage than 25 percent of the habitable floor area of the principal structure (with the exception of garage or carport areas devoted to the storage of vehicles, which shall not be included in the calculation and may exceed the 25 percent restriction).
- d. A minimum rear setback as stated in Section 5.2, Residential Dimensional Standards, for the district in which the accessory building or structure is located; and
- e. A maximum size not to exceed 25 percent of the area of the principal structure.

C. Home Occupation

A home occupation is that accessory use of a dwelling that shall constitute all or some portion of the livelihood of a person or persons living in the dwelling.

1. **In-home Day Care** (six or fewer people)

2. Bed & Breakfast

A bed and breakfast facility shall be considered accessory to a single-family dwelling.

- a. No more than four unrelated individuals may occupy the property overnight.
- b. The facility must maintain a residential appearance and be the permanent residence of the proprietor.
- c. Limit number of rooms to four where shared/common bathrooms may be provided.
- d. No cooking facilities are permitted in individual rooms.

3. Exclusions to Home Occupations

No home occupation shall be permitted that results in any of the following:

- a. Changes the outside appearance of the dwelling;
- b. Is visible from the street;
- c. Generates traffic, parking, sewerage, or water use in excess of what is normal in the residential neighborhood;
- d. Results in the off-street or on-street parking of more than two vehicles at any one time not owned by members of the occupant family;
- e. Creates a hazard to persons or property;
- f. Results in electrical interference;
- g. Is a nuisance;
- h. Results in the any outside storage or display; or
- i. Includes employment within the home or on the premise of persons other than members of the occupant family.

4. Prohibited Home Occupations

The following are prohibited as home occupations:

- a. Barber, beauty, and other personal service shops;
- b. Animal hospitals, stables, or kennels;
- c. Dance studios, schools;
- d. Mortuaries;
- e. Private clubs;
- f. Repair shops;
- g. Restaurants;
- h. Automobile paint or repair shops;
- i. Doctor, dentist, veterinarian, or other medically related office; or
- j. Rooming/Boarding House.

D. Recycling Facilities – Small

1. Single Feed Reverse Vending Machines

Single feed reverse vending machines may be located with a permit either in the interior or immediate exterior of commercial, industrial, or public facilities.

2. Small Collection Facilities

Small collection facilities may be permitted when established on an improved surface in conjunction with an existing commercial or industrial use or public facility. The host facility must be in compliance with all City codes. No facility may occupy more than 500 square feet, nor occupy more than five parking spaces of the host site. All vehicular and pedestrian circulation aisles shall be unobstructed.

a. Setbacks

Each facility shall be set back at least 10 feet from any right-of-way line when located in front of the host use. Side, side street, and rear setbacks established for commercial uses shall be maintained.

Containers intended for 24-hour donation of materials shall be a minimum of 40 feet from property zoned or developed for residential use. Attended facilities within 100 feet of residentially-zoned or developed property shall operate between the hours of 9:00 A.M. and 7:00 P.M.

b. Landscaping

A small collection facility shall not be placed on the host site in such a manner as to impair the landscaping required for the subject site.

c. Parking

One space will be required if an attendant is provided. Occupation of parking spaces by the collection facility and attendant shall not reduce available parking spaces below the minimum number required by ordinance for the host site.

d. Noise

Noise levels shall not exceed 60 dBA as measured at the property line of residentially-zoned or developed property, otherwise noise levels shall not exceed 70 dBA.

e. Signage

Each container must be clearly labeled with a sign, limited to one per container and no larger than 20 percent of the side upon which the sign is placed, to provide information pertaining to the type of material to be collected within the container, and the name and telephone number of a person responsible for maintenance who may be contacted at all times.

6.5 Temporary Uses

Temporary Uses, as set forth below, are declared to have characteristics which require certain controls in order to insure compatibility with other uses in the district within which they are proposed for location.

A. Particular Temporary Uses Permitted

- 1.** Garage Sales;
- 2.** Indoor and outdoor art and craft shows, exhibits, and sales;
- 3.** Sales of Christmas trees or other seasonal goods;
- 4.** Religious revival tents;

5. Temporary buildings and equipment for uses incidental to construction work on premises in any zone but shall be removed upon the completion or abandonment of construction work. None shall be located on any public street or public right-of-way at any time during construction; and
6. Temporary Concrete Products.
Temporary facilities for manufacturing concrete or concrete products may be located in all zoning districts where they are directly associated with construction in the area. Retail sales of concrete products shall be prohibited in conjunction with temporary concrete plants. The production site must be returned to its pre-construction state following completion of the associated project.

B. Temporary Residential Sales Offices and Model Homes

The following regulations shall apply to the conduct of temporary residential sales offices and model homes within residential zoning districts:

1. Temporary residential sales offices and model homes may be located within a residential district as part of an on-going residential development; however, they shall only be located at the end of a residential block on the periphery of a subdivision or at the entrance to a subdivision;
2. Any temporary residential sales office or model home shall be removed or converted to a use permitted within the district when Certificates of Occupancy have been issued to 95 percent of the associated residential units or when use as a sales office or model home has ceased; and
3. Model homes for new subdivisions shall only be occupied for residential habitation after all business activities have ceased and upon sale of the home.